

***United States Court of Appeals
for the Second Circuit***



**APPELLANT'S
REPLY BRIEF**

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

77-7038

MILLICENT LINDEN,

76 Civ. 4404

Plaintiff-Appellant, :

C/A Ref. T-6991; 77-7038

- v -

Judge Morris Lasker

NATHAN NOVICK,

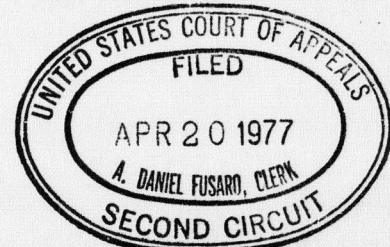
(Reply brief) **B**
RESPONSE TO OPPOSITION

Defendant-Respondent. :

STATE OF NEW YORK)

: S.S.:

COUNTY OF NEW YORK)



P/S

Plaintiff-Appellant, Millicent Linden,

duly swears to the full truth of the following in accordance with
all original records and documents:

All documents in all original records in the State Court of
the State of New York and the Civil Court of the City of New York
plainly, openly, obviously, clearly contain facts of plaintiff's
suit against the above-titled defendant, Nathan Novick in said courts,
yet, defense attorney, ONCE AGAIN, in this Court, makes alleged
statements of non-existent facts which are directly contrary to all
original records, and the records are voluminous in response to the
volume of demands by defense attorney representing the defendant that
plaintiff satisfied, over and over, despite the repeated compliances.

ONE example: defense attorney alleges an "unverified bill of
particulars" "to which there was no effective response";

the county clerk records show a "VERIFIED BILL OF
PARTICULARS", as of August 24, 1975, and so noted
in the Supreme Court record of Papers to be Filed
in processing for the Trial Calendar.

Exhibit No. 1 : County Clerk record of said file.

Plaintiff is in personal appearance, and as such, has met with
extreme prejudice among procedural and court events which are also

documented and caused special scrutiny of plaintiff's papers to be processed so that on the occasion of processing plaintiff's papers for the Trial Term, there was special note of the VERIFIED BILL OF PARTICULARS and that there was indeed a response; however defense attorney wishes to "name" it as "ineffective" to suit his subjective ulterior motives, the chief clerk of the Calendar office in the Supreme Court and the Executive Chief Clerk of the Court as well as the calendar clerk all checked the propriety of plaintiff's papers. Some of the tribulations encountered of the occasion are recorded in the letter to the Chief Clerk of the Supreme Court, Mr. Spector.

Exhibit No. 2; Correspondence to Mr. Spector.

(Defense attorney is in full possession of exhibits annexed herein.)

When plaintiff's case was transferred to the Civil Court, defense attorney repeated the same allegations of an unverified b6/p, etc. Exhibit No. 3-transfer file notice- plaintiff once again had to resort to aid from the Chief Clerk of the court, Mr. Phoenix Ingraham. Exhibit No. 4.at the time of the trial date in Civil Court and later in a meeting with Administrative Judge Edward Thompson, when again, with many repetitions previously complied with, further compliances were submitted directly to Judge Thompson, Exhibit No. 5.

This court will note the overwhelming list of submissions in response to defendant's demands and court mandates, those sitting courts disavowing the documented records and allowing defense attorney's allegations.

Exhibits Nos. 6 through 28

Defendant's motion of October 24, 1975 before Judge George Stark in the Supreme Court demands a verified bill of particulars which was verified August 24, 1975 - duly recorded in court clerk files.

Judge Stakke's ruling, dated December 10, 1975, mandates that plaintiff verify the b/o/p (already verified August 24, 1975) and so noted in the county clerk records), as well as mandating a statement of Inspection & Discovery, submitted September 29, 1975, (see Exhibit no. 1,) and noted also in the county clerk records duly stamped with said date of September 29, 1975 and duly submitted by plaintiff in plaintiff's brief of reply to defendant's motion of October 24, 1975; Judge Starke's order Ex. no. 6. (and 7 - pl's Cross Motion "disposed of" in companion motion of def.'s.) and Ex. No. 8, plaintiff's correspondence to Judge Starke requesting document submitted by defense to the Court and not to plaintiff, also alleging a demand for a further b/o/p never sent to plaintiff on alleged date of Sept. 4, 1975, and not to county clerk for that date, but sent later to plaintiff when Judge Starke's law clerk told plaintiff he would send a copy of said letter, but never did, and then it was sent by defendant on November 12, 1975. These are facts on record in the record, and they comprise a volume, 3 full files of them; plaintiff excerpts highlights of the most crucial to avoid expanding volumes herein and to spare this Court's time as much as possible.

Defense attorney repeats the exact same demands in his motion in the Supreme Court for October 31, 1975, before Judge George Postel, this time demanding that plaintiff's case be stricken from the calendar for lack of pre-trial proceeding fulfillment allegations. (Ex. no. 9, pl.'s correspondence to Judge Postel, requesting above-cited letter also not sent to plaintiff but entered in original to his Court, as well as other matters.)

On the scheduled date of trial in Civil Court, January 8, 1976, there was no record of any ruling from Judge Postel's office on defendant's motion of October 31, 1975. Yet, defense attorney hands the bench, Judge Bernard Weiss, an alleged order by Judge Postel

on that date of January 8, 1976 mandating that plaintiff's case be stricken from the calendar. Without even allowing plaintiff the most natural, involuntary reaction of a dropped jaw at the mammoth surprise of an order that was no where in the Supreme Court, not in the Special term Part I minute books, not in the county clerk records, Judge Weiss demanded that plaintiff "shut up", that it was enough for him that he had an order from the Supreme Court to strike the case from the calendar, that as far as he was concerned, it was off!

Exhibit No. 10: the alleged order by Judge Postel.

This Court may note the wording in which it is clearly assumed that where the word "defendant" is written, is meant "plaintiff" and in speaking with the law clerk, he was surprised that this writer was the "plaintiff", not the "defendant."

Exhibit No. 11: Judge Weiss' signed order to strike off calendar

The events that followed the occasion of striking plaintiff's case off the calendar from an alleged order not on record anywhere were a continuing pattern of grave, gross, blatant, obvious, clear-cut violations of all records and all statutes pertaining to the interests of justice, the well-known rights of the laws of the land that mandate the right to be heard, to a trial by jury, for redressing a grievance of physical injury, and certainly openly admitted, pre-meditated intent to maim, as did the defendant-doctor.

Civil Court judge Seymour Schwartz denied every motion by plaintiff to review the original record, to see the original documents proving VERIFIED B/O/P, Insp. & Disc., voluminous Item 3 demands of the b/o/p, in court transcripts, in summarizations, etc. This is borne out by Judge Schwartz' numerous court orders mandating a "verified b/o/p" already verified three times over, etc. citing the

Supreme Court orders, though all compliances had been made many times over and over, though when a case is transferred, the new court rules on the issues, as plaintiff was told by Judge Postel, yet, Judge Schwartz denied all of plaintiff's efforts to restore to calendar, always leaving contingencies that precluded any finalities for appeal. On one day, Judge Schwartz wrote out 3 court orders, April, 28, 1976, saying the same mandates of the previous 7 court orders signed by him and those referred to him as demanded each time by the defense attorney though the issues were not originally brought before him in motion court.

Exhibits Nos. 12 through 19: Judge Schwartz' orders; Judge Weiss' order though motion not before him.

When plaintiff received correspondence ~~that~~ from Judge George Postel from the Supreme Court that he did not rule on the defendant's motion to strike pl.'s case from the calendar of October 31, 1975, that Judge Gellinoff had transferred the case before he could get to it, and plaintiff tried to bring the matter before Judges Schwartz and Weiss in Civil Court, that pl.'s case was taken off the calendar from an alleged order not on record in the county clerk's office the scheduled date of trial of January 8, 1976 and not ruled on in accordance with Judge Postel's written statement to that effect, neither Judge Schwartz or Judge Weiss would acknowledge the documented facts. In fact, in oral argument, in chambers, Judge Schwartz told plaintiff to "GO ~~SEKKK~~ TAKE UP SOME RELIGION, LAWYERS GOT TO LIVE". Thereafter, he underlined his use of the phrase "PRO SE" in each of his orders. And Judge Weiss shouted from the bench as he was exiting from the courtroom to plaintiff, "GO GET A LAWYER".

No one ever asked the circumstances for plaintiff's appearing pro se, that no lawyer would take plaintiff's cases without the requisite monies needed to pay an expert witness, that plaintiff

was denied even the hand-to-mouth existence of the free-lancer as an independent researcher, lecturer, teaching dancing, singing, when the physical injury denied even that hand-to-mouth existence with no other resources than the physical vitality that is the only capital of the free-lancer, that without it, all else is also precluded.

But plaintiff claims the right of the Constitution to be heard in personal appearance when no legal representative is available. Plaintiff does not see the Courts burdened with an excess of pro se appearances and plaintiff has noted that plaintiff's papers were in ^{more} ~~less~~ of procedural demands than instances of trained, practicing staff in the profession as lawyer. No clerk ever had undue imposition placed upon him in processing papers as plaintiff made extreme exertion in searching out the demands and sought help from willing staff when it was available so as to lighten or preclude any excess work by the processing persons for plaintiff's papers. And these efforts were done in the course of emergency conditions when plaintiff's muscles spasms made walking a physical hardship and traveling to court a trip of torment. Yet defense attorney went on and on despite knowing of these physical conditions duly entered in the records, all of them, from hospital and medical reports, with unwarranted demands that called for unwarranted physical hardship upon plaintiff. And the court of Judges Weiss and Schwartz granted defense attorney's unwarranted demands also with the full knowledge of the hospital & medical records.

With receipt of Judge Postel's letter saying he did not rule on the motion that struck pl.'s case off the calendar, EXHIBIT No. 20, plaintiff had to make further efforts to right the wrong, but with no success in either the Supreme or Civil Courts.

EXHIBITS NOS. 21 through 27; Supreme Court orders denying pl. hearing of the facts.

Judge Schwartz had told defense attorney in chambers Feb. 25, 1976 to move for dismissal; Judgeg Walter Shackman, next door neighbor in chambers in Civil Court, /dismissed plaintiff's case on defendant's alleged claim of "res judicata" in Summary Judgement; the Appellate Term affirmed it, the Appellate Division denied plaintiff's appeal.

The statutes clearly make provision to be heard on the full merits on the basis of new evidence (CPA 23). Plaintiff was never heard on the new evidence, neither in summary judgement nor in trial, since neither Judge Shackman nor the Appeals courts of N.Y. State permitted plaintiff to plead the facts of the court transcripts of a previous trial in which defendant-doctor describes his act of injury upon plaintiff, alleging a suspected fracture without cause, admitting not ordering X-rays in suspecting a fracture, while also admitting that the prevailing standard is to order X-rays, after he states his diagnosis of a totated scro-iliac and then describes an orthopedic test for inflamotory hip disease in the absence of any symptoms of it, a test that calls for active movement of the site he claimed he suspected a fracture, while also saying that a suspected fracture site is to immobilized, not moved, yet he moved what he suspected a fracture.

Plaintiff was denied the right to trial on the new evidence with the defendant-doctor before a jury on his own statements which were not in plaintiff's pssiession before the first trial, and acquired only in the course of the first ttrial and upon these facts plaintiff was granted a Supreme Court order to prosecute a second trial.

Judge Shackman, knowing plaintiff was in personal appearance and not a practicing lawyer, told plaintiff that he would only hear arguments of the law. And though plaintiff made every possible effort to find what that Court demanded, no consideration was given to the undenaible facts on record. Even defense attorney ^{FOR A YEAR} never moved for

dismissal until Judge Schwartz told him to do so, and only when Judge Shackman was sitting in motion court. Exhibit No. 28; correspondence to Judge Shackman.

Nor would the New York Bar Association hear plaintiff on the facts citing irrelevant reasons for ignoring plaintiff's complaint.

Exhibits Nos. 29 through 31; Bar Assoc. letters

Defense attorney has a predilection for making statements directly contrary to the recorded facts; on page 3 he repeats, as he has done in consistent pattern of other issues, the diametrically opposite fact saying that plaintiff's case was "transferred by Judge Postel", when the county clerk records show that Judge Gellinoff transferred the case and Judge Postel encloses a copy of that transfer order by Judge Gellinoff in his letter to plaintiff which defense attorney has, and has had from the beginning. Defense attorney NEVER once responded to the contents of Judge Postel's letter that the alleged order used by defense attorney to strike plaintiff's case from the calendar was never ruled on at all, in any court.

On page 3, in his brief, defense attorney makes claim that "all avenues of motions and appeals were open to the plaintiff to pursue her remedies of which she could avail herself." In view of the foregoing facts of denials at every turn of the facts in and on the record by every Court in Civil & Supreme courts, this statement by defense attorney merely follows the consistent pattern he indulges and engages in upon non-existent facts anywhere.

Then, again on page, 3, defense attorney writes that "Having exhausted all remedies and appeals in the State Courts, plaintiff has turned to the Federal Courts to prosecute the same action under another and new, title." That there has been out-and-out official misconduct

to deny plaintiff the CONSTITUTIONAL RIGHT TO BE HEARD IN TRIAL BY JUSTY ON THE BASIS OF FACTUAL EVIDENCE WITH MORE THAN SUFFICIENT FOUNDATION AND SUPPORT FOR SUCH A TRIAL, is iffefutable, and without subtleties or discretionary issues, just plain violation of fundamental facts of record, a bill of particulars is or is not verified, etc., and it is on record that it is verified, not only with the original submission, but twice over, hence it is not a matter of discretion of judicial privilege, but a matter of actual fact on record.

If ever these was a case with a FEDERAL CAUSE OF ACTION, certainly, the instant matter is a FEDERAL CAUSE OF ACTION.

Judge Morris Lasker dismissed plaintiff's case on the basis of the one-page complaint of the institution of the suit. He never had any documented facts before him to review and defendant-doctor never replied to the complaint at all at any time, and Judge Lasker denied plaintiff's motion for default judgement.

Defense attorney's allegation that (page 4) plaintiff's claim of defendant-doctor's deliberate misalignment of thepelvis, a well-known cause of thæat to life itself, is "repetitive" and "made in the Supreme Court action" makes no reference to the facts of denials to all the "repetitive" efforts by plaintiff by virtue of his own false statements and official misconduct in accordance with the facts on record. If that isn't a "recognizable constitutional argument", as he claims, then we never had an American Revolution declaring freedom from the tyranny of power, massive power, against one, sole, unaffiliated individual. Whatever was all that sacrificing of lives in the Revolution all about if it wasn't to defy the historical tradition of tyranny with unabated power? Plaintiff was never heard in the State & City Courts on the issues, therefore, how could plaintiff be "seeking in the present action to have this Court review the

decisions (ALL OF WHICH WERE PROCEDURAL) of the State Appellate Courts" as defense attorney claims. No laws were ever decided on at any time, then how could there be any "intervening"? Plaintiff was simply never heard, and having been denied the right to be heard, ~~xxxx~~ in the State and City Courts, then plaintiff had no alternative but to present the case anew in the Federal Courts, which is apart from any action that had been aborted in the State & Civil Courts. There was nothing but total violation of all the most fundamental rights of the Constitution in the City and State courts to be heard, to redress wrong, to have a trial by jury on documented facts providing sufficient and more than sufficient grounds to warrant such a trial.

These obvious facts preclude defense attorney's attempt to proclaim the "principle of comity"; in any event, how could "legal ethics" take precedence over the Constitutional rights, directly under those mandates, with no diffuse issues, but clear-cut issues on freedoms guaranteed to each individual regardless of stature, of lacking monies or standings in any community. There's just no "intervening of internal procedures" as defense claims. Plaintiff merely seeks to be heard in Federal Court independently of actions in the State Courts on the issues of plaintiff's complaint against the defendant-doctor. Defense attorney took the initiative of arguing "comity", "intervention", etc. & thus precipitated the exposure of official misconduct & no rulings to have been interfered with or any "ethics" complied with at any time.

On page 5, defense also attempts to "argue" under color of state, included in the 14th amendment, that freed the slaves, saying; "Section 1983, Civil Rights Act, preserves constitutional rights from infringement only when committed "under color of state". Well, he has deluged plaintiff with "color of state" akin to enslavement when he indulged in false demands which aid abetted with official misconduct. It certainly is a matter of "state official" and "state act" that has infringed upon the "preservation of constitutional rights" "under which the official misconduct was enacted.

On page 5, defense writes that "there must be misuse of power"; surely, he argues plaintiff's case in making such statement, for it is eminently obvious that there has been GROSS MISUSE OF POWER, under "State Law" supposedly, and defendant has been in possession with the "authority" of such alleged suppositions when both defense and courts act in defiance of the facts on the records, duly documented in the county clerk's records, apart from any laws of discretionary measure, but part of fundamental laws without discretionary matters, just plain facts. How much more can any lawyer or any judge defy the fundamental laws of the State, and with it, the laws of the land in non-arguable issues, such as facts on record? Surely, defense lawyer argues for plaintiff's cause and complaints.

Page 6, defense attempts to argue "liability" under the Civil Rights Act. Is not the sanctity of life directly under the Constitution? Is not the law clear on the illegality under any act, under any law, that no citizen, private or otherwise, has any legal right to physically injure another citizen? Defendant-doctor is a private practitioner as any other private practitioner has been called to court to defend his action of injury, and in the instant issue, openly stated under oath and on record in court transcripts. These recorded statements by the defendant-doctor have never seen the light of a trial by jury, and plaintiff claims the right to be heard on the facts, and their merits.

It is with wondrous amazement that plaintiff observes the unconscionable boldness with which defense attorney repeats here in the Federal Court panoply of legal propriety that he blatantly, and perhaps even unashamedly, grossly violates the most elementary, fundamentals of law - and with it, any civilized order - in again and again alleging non-existent facts in no record anywhere and under the guise of defending his client makes cruel effort in denying plaintiff's rights from rock-bottom rights of our hard-fought

for freedom while plaintiff's life hung on a thread, and he knowingly engaged in horrendously gross illicit illegalities, cruel in their nature in that the unwarranted demands aggravated the threat to life.

Plaintiff cannot be swayed from the conviction that there must be an inherent decency and humane spirit in the origin, aims and realm of the world of law and the spirit of the law. It is to this origin, realm and spirit that plaintiff appeals to this Court to consider plaintiff's claims on their merits of the facts and to re-institute plaintiff's complaint so that both defendant-doctor and plaintiff may be heard as is the right of all in the laws of the land, which must necessarily include those of the State, and in the absence of due process by the State, that the Federal guardian of our most precious, unprecedented Constitution be upheld and applied justly.

The law must certainly hold, also, that where one life is threatened in unlawful, illegal act, another is also thus threatened. Plaintiff's work is in accord with such law, and annexed a further exhibit from a scientific journal noting plaintiff's efforts in behalf of such accord. Exhibits No. 32 & 33.

WHEREAS, plaintiff respectfully requests this Court to grant plaintiff the right to be heard in trial by jury against defendant-doctor on the basis of the merits of the documented facts.

Dated: April 15, 1977, New York, N.Y.
To: Isaacson, Robustelli, Fox, et.al.
277 Broadway, NYC10007

Yours, etc.

SWORN TO BEFORE ME THIS

15 DAY OF April, 1977

Walter J. Hassett

Notary Public

WALTER J. HASSETT
NOTARY PUBLIC, State of New York
No. 31-1704225
Qualified in New York County
Commission Expires March 30, 1979

Millicent Linden
Millicent Linden
500 East 74th Street
New York, New York 10021
BU.8-9453

7-2 OCTOBER 10, 1975

B 435-Notice of Papers to be Filed in Support of Application for Preference, 1st and 2nd Depts.

80 EXCHANGE PL. AT BROADWAY, NEW YORK 10005

SUPREME COURT NEW YORK

COUNTY, N. Y.

COURT CASE No. 41674/75

CALENDAR No.

MILLICENT LINDEN,

Plaintiff(s)

against

NATHAN NOVICK,

Defendant(s)

Notice of Papers to be Filed in Support of Application for Preference

Sir:—PLEASE TAKE NOTICE, that pursuant to the Special Rule regulating the granting of preferences in trial of actions to recover damages for personal injuries resulting in permanent or protracted disability or to recover damages for causing death, copies of the following will be filed with the Trial Term Calendar clerk, in support of the application for a preference:

summons July 28, 1975

verified complaint July 28, 1975

answer(s) August 18, 1975

→ verified bill of particulars August 24, 1975

reports, previously served by the parties, as required by the provisions of the special rule regulating physical examinations and exchange of medical information.

Professional premeditated malpractice, wilfull & malicious, with intent to maim.

COMPLAINT IN
SECOND SUIT

A copy of each of the following papers, not heretofore delivered, is hereto attached

Counsel's certificate of compliance with rules

Dated, October 10, 1975

Yours, etc.,

Millicent Linden
Plaintiff, Pro Se

Attorney(s) for
Office and Post Office Address

500 East 74th Street
New York, New York 10021

To ISAACSON, ROBUSTELLI, FOX, FINE
& GRECO, P.C.

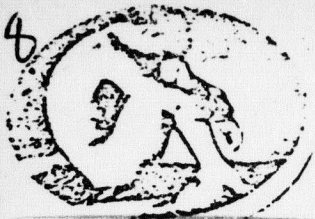
Attorney(s) for Defendant

277 Broadway
New York, New York 10007

1-4 B/P
5-54 medical
no 6-7c

RECEIVED
OCT 11 1975
TOLSON

(1)



Tension - in - Repose

300 EAST 74TH STREET - NEW YORK, N. Y. 10021

MILLICENT LINDEN, DIRECTOR



BEST COPY AVAILABLE

October 12, 1975

Mr. Specter, Executive Chief Clerk, THE SUPREME COURT OF THE STATE OF NEW YORK
60 Centre St., New York, N.Y. 10007

Dear Mr. Specter:

Reflecting upon the events and circumstances of Friday, October 10th, and your assistance in the matter, I feel inclined to write and express my thanks and appreciation. While it may perhaps seem superfluous to you, it is none-the-less not superfluous to me, thus I take the liberty to do so. Your help was not unlike coming upon an oasis in the desert.

You may wish to know, in the meantime, that after checking directly with the original record to ascertain the facts as they are on record, all my papers were in order, properly verified, with the one exception of the Complaint; the only reason that wasn't done was because it had to be accompanied by the summons and was therefore directed to the defendant, not directly to the legal representative, the defense attorney.

This has a bearing upon the facts concerning the events on Friday.

I note that Mr. Cirkus did not ask me for an explanation; he cited solely that of the two clerks. As chief clerk in the Calendar office, it is understandable that he would speak in their "defense", but their behavior was indefensible, and it must also be understood that the "other side also has a "right".

For example, of the three occasions I was in that office, there was no "long line", in fact, no one was there at all. Therefore, Mr. Cirkus statement that I took their time, the clerks', implying that I was interfering with their assistance to others, it is my understanding that the duties of the clerks is to include the assistance in the presentation of the proper papers. I saw that assistance extended cordially to attorneys who were more uninformed than what I presented.

On the first occasion, the shorter, older of the two clerks, never even looked at my first papers. He rudely said, "Go get a lawyer". Well, had that been feasible originally, I should hardly permit myself to tackle the mountain of "procedures" that are unfamiliar to the uninitiated. Whatever his prejudice to pro se, it is a prejudice in the literal sense to economic deprivation, and that has its origin to the instant action, to the defendant who made that deprivation so desperate to the point of near-starvation diet. The clerk just gave me the list of the papers to be presented. I took it and came back with all I could do.

The next time, the same clerk just looked at the top paper, saw an oversight logical to a first time, but small compared to the attorneys' snatches of conversation I couldn't help but hear as I waited for my turn and literally threw down all the papers on the desk towards me. I then went up to the chief clerk's office; only Mr. Fischl was there, Mr. Cirkus was at a meeting. Mr. Fischl took the few moments required to explain what was missing. Then I came back with all the corrections, and the clerk called "Zeke", began assembling the papers, then simply put on his

coat and went to lunch, leaving me standing there, in the midst of all the papers prepared. There was no one else waiting, and it was more than fifteen minutes before the return of the other, older, shorter clerk who had so rudely behaved previously. There was a gentleman, in a grey suit, medium height, broad build, who looked up when I uttered an involuntary sigh of exasperation. He asked, "Where did the clerk go", I said that the clerk called out he was going to lunch. The gentleman looked genuinely perplexed. One of the typists sitting there said that I was busy cutting away uneven papers, but the man replied that was after the clerk left, that he saw the clerk in discussion with me, then he was gone.

It was at that point that I went again to Mr. Cirkus' office, but it was lunch time, he was not there, and Mr. Fischl this time was annoyed, that it was the clerks' duties, and he shouldn't be bothered with the problem.

Thus I inquired about your office and came directly to see you. You were the only one who grasped the significance of the reason, the sublime discourtesy encountered, and understood that whatever the details of the technicalities, there is no reason for relinquishing fundamental, basic, and decent courtesies. It is so much more unwarranted in a court of law.

You were the only one who expressed apology for those discourtesies. Whatever the work required, I would have complied with these requirements but under those circumstances, that work would be useless.

After checking the original record, showing the verified papers Mr. Cirkus asked for, (made copies on the Xerox in the record room) I was told that I had to submit a motion for the extended date on verifying the Complaint; you can imagine that I had no desire to prolong the issue at hand and was anxious to get the action on the calendar to avoid further confrontation, so I was forced to make the decision to relinquish the Preference papers and have the action go to Civil Court.

A propos the next event, I must inform you a general fact of the action, both instant and one pending, that is, what a specialist did to cause trauma to the joint of the jaw, a temporomandibular joint specialist, precipitated the brink of complete disaster by another specialist I was compelled to see for treatment of the mandibular dysfunction. Which means, that I must once again confront the clerks and the chief clerk when the time comes to place the jaw specialist court action on the calendar. I dread having to go again to that office. The clerks are the same people and the chief clerk demonstrates his partiality to his clerks. Any citizen has a legal right, given justified grounds, to be heard in court, as pro se as well as by attorney. Therefore, in view of your more understanding nuances of both legal and basic human courtesy aspects of such rights, I present the facts to you in preventive, anticipatory measures for the time when I must place the second court action on the calendar.

Once again, I extend my well-founded appreciation for your time, understanding and courtesy in your office on Friday.

Sincerely,

M L
Millicent Linden

7-2
Index No. 3568 Year 1975 Cal. No. 75N28599

CIVIL COURT, CITY OF NEW YORK

COUNTY OF

Linden vs. Newark
NEW YORK

Trial set for
Pre trial set for
Restored

Part
Date

Room

Time

Before Judge

Remarks

SUPREME COURT TRANSFER SEC. 325-C or D-CPLR
FOLLOW YOUR CASE IN THE LAW JOURNAL.

Failure to appear may result in case being
marked off, dismissed, or set for inquest.

Phoenix Ingraham
Chief Clerk

Chief Clerk

Form 43-1049-25M-807126(7) 346

NOTE: Please bring this card with you.

Index No. 3568 Year 1975 Cal. No. 75N28599

CIVIL COURT, CITY OF NEW YORK

COUNTY OF NEW YORK

111 Centre Street, New York, N. Y. 10013

Dear Sir:

The case of

vs.

Millicent Linden
Nathan Newark

will appear on the calendar on

JAN 8 - 1976

at 9:30 A.M. for trial in Part

Room 325 — Third Floor

July

Answer in person:

() General Denial

()

Respectfully,

Phoenix Ingraham

Chief Clerk of the Court

Note: Please bring this card with you.

43-X-100N.Y. 20M-225028(74) 346

I, I

3

67
Millicent Linden 500 East 74th Street New York, New York 10021

July 14, 1976

Mr. Phoenix Ingraham, Chief Clerk of the Court
CIVIL COURT OF THE CITY OF NEW YORK
111 Centre Street, New York, N.Y. 10013

Dear Mr. Ingraham:

As you were present at the meeting with Judge Thompson and Mr. Boyer on July 8, 1976 with regard to the matter of

LINDEN v. NOVICK, Index No. 3568/75

and you thereafter went to Mr. Stern, the Appeals Clerk, to copy the Notice of Appeal to the Appellate Term and Judge Walter B. Shackman's order for dismissal on summary judgement, I thought that you may wish to see the submission for RE-ARGUMENT I am entering before filing the appeal papers.

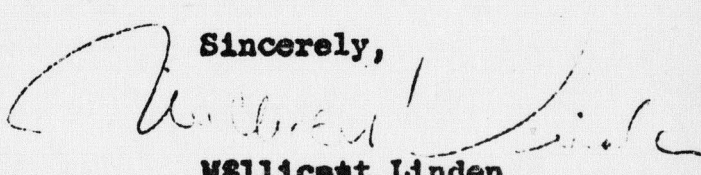
After our discussion, and with the suggestion by Judge Thompson in one instant to "re-argue", I considered that avenue of re-argument as a means to expedite and forestall the Appeal for the sake of court time in case it brings results.

I am, therefore, enclosing a copy of the re-argument papers to Judge Shackman who had previously expressed his own request to argue the law. I have since explored with more searches for that request by Judge Shackman and used the Court of Appeals Library in the United States District Court which permits pro se use.

The papers are being sent directly to Judge Shackman as he had previously had me send a response to defendant's last minute submission at the time of the returnable motion date.

Thank you kindly for your time and attention.

Sincerely,


Millicent Linden

60
CIVIL COURT OF THE CITY OF NEW YORK
County of New York

Linden v. Novick Index No. 3568/75 Cal. No. P75N28599

LIST OF EXHIBITS

Annexed to correspondence to the Honorable Edward Thompson

April 6, 1976

- EXHIBIT 1: Glossary Index of Court Transcripts - 2 pages
EXHIBIT 2: Court Transcripts - 38 pages
EXHIBIT 3: Court Transcripts - 47 pages
EXHIBIT 4: A System of Orthopaedics & Fractures - 5 pages
EXHIBIT 4-a The Bone as A Whole
EXHIBIT 5: CHIROPRACTIC - 4 pages
EXHIBIT 6: Fundamentals of Orthopaedics - 3 pages
EXHIBIT 7: Medical-Surgical Nursing - 6 pages
EXHIBIT 8: The Chirogram - 3 pages
EXHIBIT 9: Manual of Orthopaedic Surgery - 2 pages
EXHIBIT 10: Red Cross First Aid - 6 pages
EXHIBIT 11: Boy Scouts of America Handbook - 2 pages
EXHIBIT 12: First Aid; Boy Scouts of America; - 3 pages
EXHIBIT 13: An Atlas of Examination - 3 pages
EXHIBIT 14: Medical Records - 31 pages
EXHIBIT 15: Physical Diagnosis - 4 pages
EXHIBIT 16: Defendant's correspondence
EXHIBIT 17: Plaintiff's professional picture
EXHIBIT 18: Plaintiff's professional record

REPEATED COMPLIANCES TO DEMANDS BY DEFENSE
AND MANDATES BY THE COURT

Michael J. ...

5
#1

75 MOTION: OCT. 24, 1975; RULING: DEC. 10, 1975; VERIFIED
130/P. AUG. 24, 1975

SUPREME COURT OF THE STATE OF NEW YORK, SPECIAL TERM PART 1, NEW YORK COUNTY

at the Courthouse thereof, 60 Centre Street, New York, New York, 10007.

Present: Hon. GEORGE STARKE

Justice.

MILKICENT HINDEN

— against —

MATTHAN NOVICK

MINUTE SPECIAL TERM N.Y. LAW
PART 1 JOURNAL

DEC 11 1975

SUBMITTED RECEIVED DISPN
CTY. CLK. FROM JUSTICE BOOK

The following papers numbered 1 to 16 read on this motion.

No. 16 On Calendar of OCT 24 1975

Notice of Motion - Order to Show Cause, and Affidavits Annexed

Answering Affidavit

Replying Affidavit

Affidavit

Affidavit

Pleadings - Exhibit

Stipulation - Referee's Report - Minutes

Filed Papers

See # 102 This date

PAPERS NUMBERED

1-5

10-16

16

Upon the foregoing papers this Motions numbered 102 and 103 of the calendar of October 24, 1975, are herein consolidated for disposition as follows:
The defendant's motion for an order compelling a further bill of particulars in an action for malpractice by the pro-se plaintiff is granted. The plaintiff shall supply further particulars with respect to item 3 of the demand, to which no particulars were supplied. The plaintiff is also directed to verify the particulars previously supplied (see CPLR § 3020(a)). In addition, copies of the income tax returns requested in the Notice for Discovery and Inspection shall be produced or, in lieu thereof, a verified statement that none were filed and do not exist. The plaintiff shall comply with the requirements of this order within 15 days of service of a copy hereof, with notice of entry.

Dated

DEC 10 1975

Briefs: Plaintiff's Defendant's Petitioner's Respondent's Relator's

Briefs

County Clerk's No.

Spec I Liber

41674

Line 6

1975

1975

J.S.C.

ALL DEMANDS

SATISFIED ENTIRELY
AUG 24, 1975
COUNTY CLERK STAMP

76
SUPREME COURT OF THE STATE OF NEW YORK, SPECIAL TERM PART I, NEW YORK COUNTY
at the Courthouse thereof, 60 Centre Street, New York, New York, 10007.

Present: Hon. GEORGE STARKE
Justice.

MIL LIGANT KIDEN

— against —

MATTHAN NOYICK

MINUTE BOOK
DEC 1 1975
TO RECEIVED FROM JUSTICE
CITY CLERK BOOK

The following papers numbered 1 to _____ read on this motion.

No. 102 on Calendar of DEC 2 1975

Notice of Motion - Order to Show Cause - and Affidavits Annexed.

Answering Affidavit.

Replying Affidavit.

_____ Affidavit.

_____ Affidavit.

Pleadings — Exhibit.

Stipulation — Referee's Report — Minutes.

Filed Papers.

See # 103 This Date

Upon the foregoing papers this

motion is disposed of in accordance with
decision in companion motion decided simultaneously herewith.

Dated _____

J.S.G.

Briefs: Plaintiff's _____ Defendant's _____ Petitioner's _____ Respondent's _____ Relator's _____

Briefs _____

County Clerk's No. 41674-25

Spec 1 Liber 1-105

Line 3

19 75

27
Millicent Linden 500 East 74th Street New York, New York 10021

The Honorable Judge Starke, SUPREME COURT OF THE STATE OF NEW YORK
60 Centre St. N.Y. 10007, Room 519

Dear Judge Starke:

November 15, 1975

Unusual, perhaps even special, circumstances compel me to write to you in the cause of justice in the matter of Linden v. Novick, Index no. 41674/75 which is on your Motion calendar, October 24th, no.102.

The moving party, defense attorney, ISAACSON, ROBUSTELLI, FOX, FINE & GRECO, stated in the moving papers that a letter dated September 4, 1975 was sent to the plaintiff, the writer, stating also that a copy of same was annexed to the brief. The facts are as follows:

1. Said letter is NOT in the county clerk's original file;
2. Plaintiff never received said letter;
3. Copy of said letter was not annexed to papers sent plaintiff;
4. Plaintiff could not reply to alleged contents in the Motion in opposition for the scheduled date of October 24th, having searched with the court clerk in Special Term Part I on October 21st, without locating them at that time, and so reported to your office.

Yesterday I received a letter from defense attorney with a copy of said letter attached. Both are enclosed herein. With the letter now in hand, plaintiff can present facts with certainty, having also ascertained the actual annexation of said letter to the moving papers by your assistant Mr. Newman and Mr. Trachtenberg on the phone.

Claims in said letter are entirely invalid; for example, the response to the demand for the bill of particulars is verified, duly sworn to, as filed in the court record and so noted by the chief clerk in the Calendar office otherwise the papers would not have been accepted by Mr. Sirkus who looked them over himself personally, which is contrary to claim in said letter.

Also, the items are responded to directly, item by item and proven by the record; And where the claim to "explain what is required" is also not supported since no specific items were submitted at any time in more than the 30 days passage of time between the demand and the response and the next correspondence for Inspection and Discovery, the latter of which was duly and quickly responded to with undeniable affirmation of facts. Besides, it is inconceivable that plaintiff would allow all the previous hard labors to be in jeopardy by not responding to any additional demands.

Without said letter in hand, supported by the record on file of its not ever having been sent or received, plaintiff could not reply with aforementioned facts with the same certainty the contents of the alleged letter now provide. It must, therefore, have a bearing on the motions before the court. The court must also know that defense attorney has repeated the identical actions in the identical motions before Judge Postel's court and motion calendar of October 31, 1975.

Plaintiff assiduously follows court and legal procedures where known, and always provides exact duplicates of contents to court and the opposition and verifies same with affidavit of service by mail. Plaintiff assumes that the practicing lawyer for the defense is also aware of these procedures and must therefore also have signed a sworn statement of having sent the same copies to the opposition as is sent to the court, otherwise without exact copies the opposition is placed in disadvantageous position as now.

65-114
Millicent Linden 500 East 74th Street New York, New York 10021

Justice Postel
THE SUPREME COURT OF THE STATE OF NEW YORK CALENDAR CLERK
100 Centre Street Room 1727
New York, New York 10013

RECEIVED

12/8 31/12 1975
CIVIL COURT
NEW YORK COUNTY

Dear Sir:

In accordance with the instructions by Mr. Fiorella, I write to you with regard to the matter of a Motion of October 31st.

The moving party in the motion is the Defendant in the action of Linden v. Novick. Index No. is 41674/75; the calendar no. is 121. The writer is plaintiff pro se; motion in opposition has been submitted.

Defense attorney, ISSACSON, ROBUSTELLI, FOX, FINE & GRECO, has two motions that are identical: the aforementioned and one for Oct. 24th with Judge Starke. The matter at hand is the same in both cases;

On page 2 in the moving party's papers on your calendar is the following statement: (first paragraph)
"Copies of the demand and response and our letter are annexed herein...."

Said copies were not annexed to the papers sent to the writer, plaintiff;

The same said copies are not on file in the original court record in the County Clerk's office.

In the moving papers before Judge Starke of the identical motion, the aforementioned papers are dated as of September 4th, 1975. Judge Starke's secretary will inform the writer-plaintiff whether or not they are attached to the original court papers on Monday afternoon and will make arrangements for plaintiff to have copy of same.

Plaintiff hereby makes like request to be informed whether or not said papers are annexed to the original court papers and makes request to have a copy of same if they are annexed to the motion. Plaintiff also wishes to know if the Affidavit of Service of having sent said papers to the plaintiff through the mail.

Plaintiff regrets any inconvenience the matter may cause, but is mindful that it is important to know what defense attorney has submitted to the court otherwise plaintiff can make no response and submit the fact that those papers are not on file in the original court record, which would indicate their non-existence and invalidation

Thank you kindly for your time and attention.

Sincerely,

Millicent Linden
Millicent Linden

ON ENV.
JAN. 7, 1976
65-d

RECEIVED AFTER
JAN 8
COURT UNSTAMPED
AFTER SESSION

ON JAN. 7 - OK
JAN 8 - OK
ANY RECORD BROKE

SUPREME COURT OF THE STATE OF NEW YORK, SPECIAL TERM PART I, NEW YORK COUNTY
at the Courthouse thereof, 60 Cent. St., New York, New York, 10007.

Present: Hon. GEORGE FOSTER

Judge.

MILHICENT LINDEN

against

MATTHAN NOVICK

The following papers numbered 1 to read on this motion, Submitted

No. 121 on Calendar of Dec. 31, 1975

Notice of Motion - Order to Show Cause - and Affidavits Annexed

Answering Affidavit - Exhibits

Replying Affidavit - Exhibits

Affidavit

Affidavit

Pleadings - Exhibit

Stipulation - Referee's Report - Minutes

Filed Papers

PAGES NUMBERED

1-10

11-21

22-23

Upon the foregoing papers this motion to strike the case from the trial calendar for failure on the part of the defendant to complete all pre-trial proceedings is granted. The delay can be attributed to the plaintiff's proceeding pro se in this action, and she, therefore, cannot now be heard to complain.

Dated

Briefs: Plaintiff's Defendant's Petitioner's Respondent's Relator's

Briefs

County Clerk's No. 41674 19. 75

Spec. 1 Lib. 111 Line 7 12. 75

J.S.C.

35
Index No. 3568 Year 1976
Ccl. No. P25008599

Civil Court of The City of New York
County of New York

Milliech Linden Plaintiff

vs.
Nathan Novick Defendant

Cause of Action Personal Injuries
Trial Set
Amt. \$ 500,000 - by Clerk JAN 8 - 1976

DISPOSITIONS Jury

1/8/76
OFF CALENDAR

HON. BERNARD WEISS]

Decision

Papers only referred to

J. C. C.

19

44 128 250-8124-2 (12) 12 71

11

60

54

Index No. 3568 / 1975

County of NEW YORK

SPECIAL TERM, PART I

Motion Cal. No. 17-111

WILLIANT LINDEN

against

WATHAW WUICK

Present:

Hon. SEYMOUR SCHWARTZ
Judge.

The following papers used on this motion to PRECLUDE AND CROSS MOTION
submitted this 12 day of JANUARY, 1976

	Papers Numbered
Notice of Motion and Affidavits Annexed	
Order to Show Cause and Affidavits Annexed	
Answering Affidavits	
Replying Affidavits	
Filed Papers	
Commission	
Exhibits	
Copies Papers	
Referee's Report	
Stenographer's Minutes	
Stipulation	
Printed Book	

FILED
75 JAN 16 A 9:43
CIVIL COURT - N.Y. CTY

DEFENDANT'S MOTION TO PRECLUDE PLAINTIFF
FROM GIVING ANY EVIDENCE AS TO ACTS OR OMISSIONS
INVOLVING ALLEGED MALPRACTICE AS DEMANDED IN
PARAGRAPH 3 OF DEFENDANT'S DEMAND FOR A
BILL OF PARTICULARS IS GRANTED, PLAINTIFF
HAS FAILED TO COMPLY WITH THE CLEAR
MANDATE OF THE ORDER OF JUSTICE GEORGE
STARKE OF DECEMBER 10, 1975,

Dated JANUARY 12, 1976


J.C.C.

12

55
Index No. 3563/75

SPECIAL TERM, PART I

Motion Cal. No. 611 1-16

MILTON LINDER,
Plaintiff,
against
NATHAN ROYK ,
DEFENDANT.

Present:

Hon. GEORGE SCHWARTZ
Judge.

The following papers used on this motion to Restore case to calendar.
submitted this _____ day of _____, 19

	<u>Papers</u> <u>Numbered</u>
Notice of Motion and Affidavits Annexed	
Order to Show Cause and Affidavits Annexed	
Answering Affidavits	
Replying Affidavits	
Filed Papers	
Commission	
Exhibits	
Copies Papers	
Referec's Report	
Stenographer's Minutes	
Stipulation	
Printed Book	

Motion denied without prejudice to renewal
upon completion of discovery proceedings. See
orders of Judges Starke and Postel.

Dated January 19, 1976

J.C.C.

56

Case No. 75-15

ALBERTA, CANADA

Motion Cal. No. 11-1

1111111111 1111111111

against

MINERAL SERVICES

Present:

Hon. St. Pierre 4010 Ave
Judge.

The following papers used on this motion ^{for} RECONSIDERATION AND TO CORRECT
submitted this 11 day of FEBRUARY, 1976

	Papers Numbered
Notice of Motion and Affidavits Annexed	
Order to Show Cause and Affidavits Annexed	
Answering Affidavits	
Replying Affidavits	
Filed Papers	
Commission	
Exhibits	
Copies Papers	
Referee's Report	
Stenographer's Minutes	
Stipulation	
Printed Book	

RECEIVED 26 AG: 42

PLAINTIFF DEE SE MOVES FOR A COURT ORDER
CONFIRMING COMPLIANCE WITH THE REFeree's ORDER OF
JULY 1975 STATED AS DECEMBER 10, 1975, WHICH DIRECTED
A RETURN TO ITEM "3" OF DEFENDANT'S DEMAND FOR A
BILL OF PARTICULARS. THE NOTICE SHALL ALSO BE
CONSIDERED AS ONE FOR RECONSIDERATION OF THIS COURT'S
ORDER OF JANUARY 12, 1976, PRECEDING IT MUST BE
NOTED THAT ALTHOUGH ITEM 3 OF PLAINTIFF DEE SE IS
CONSIDERED FOR RECONSIDERATION, PLAINTIFF'S MOTION IS
DENIED. ITEM "3" OF THE BILL OF PARTICULARS
HAS NOT BEEN RECEIVED TO DATE AND THE COURT
OF RECONSIDERATION IS THEREFORE STILL APPLICABLE.

Dated FEBRUARY 25, 1976

J.C.C.

57

County of AlbanyIndex No. 2566 / 1916

SPECIAL TERM, PART I

Motion Cal. No. 10 / 1916

MILLICENT L. ROCK

against

MACHINIST REVERE

Present:

Hon. SC. HOGUE SCHEARER
Judge.

The following papers used on this ^{excess} motion to FILE A FURTHER BILL OF PARTICULARS
submitted this _____ day of _____, 19

	Papers Numbered
Notice of Motion and Affidavits Annexed	_____
Order to Show Cause and Affidavits Annexed	_____
Answering Affidavits	_____
Replying Affidavits	_____
Filed Papers	_____
Commission	_____
Exhibits	_____
Copies Papers	_____
Referee's Report	_____
Stenographer's Minutes	_____
Stipulation	_____
Printed Book	_____

FILED
15 MAR 16 9:52
CIVIL COURT - N.Y. CTY

DEFENDANT'S CROSS MOTION FOR A FURTHER
BILL OF PARTICULARS IS GRANTED. PLAINTIFF IS
DIRECTED TO SPECIFY / BY / PAGE, PARAGRAPH
AND WORDS FROM HOSPITAL RECORDS AND ALL
OTHER SOURCES OF WHICH DEFENDANT HAS
COPIES, THE STATEMENTS AND ALLEGATIONS
BY WHICH SHE RELIES REGARDING DEFENDANT'S
ALLEGED NEGLIGENCE AND NEGLIGENCE.

Dated MARCH 12, 1916

J.C.C.

to

HILLICENT LUDEN

against

NATHAN NEWICK

Present:

Hon. SEYHOUT SCHWARTZ
Judge.

The following papers used on this motion to RESTORE ACTION TO CALENDAR, ETC.
submitted this 29 day of MARCH, 1976

	Papers Numbered
Notice of Motion and Affidavits Annexed	
Order to Show Cause and Affidavits Annexed	
Answering Affidavits	
Replying Affidavits	
Filed Papers	
Commission	
Exhibits	
Copies Papers	
Referee's Report	
Stenographer's Minutes	
Stipulation	
Printed Book	

76 APR 30 9:40

PLAINTIFF'S MOTION IS DEVIED IN ALL
RESPECTS.

THERE HAS STILL BEEN A (FAILURE) TO
COMPLY WITH JUDGE STARKE'S ORDER OF DECEMBER
10, 1975 AND THIS COURT'S ORDERS OF JANUARY
19 AND FEBRUARY 26, 1976 IN REFERENCE TO
PLAINTIFF'S BILL OF PARTICULARS.

AS TO THE ADJUDICATED DATE OF THE EXAMINATION
BEFORE TRIAL, IT WOULD APPEAR THAT IT WAS
DIRECTED BY JUDGE WHITTAKER, → ORIGINAL MOTION
BEFORE JUDGE WRIGHT

Dated APRIL 28, 1976

↔ (1)

J.C.W.

HILLICENT LINDEU

against

NATHAN UOICK

Present:

Hon. SEYMOUR SCHWARTZ
Judge.

The following papers used on this motion to ORDER TO SHOW CAUSE
resist to calendar
submitted this 22 day of APRIL, 1976

	Papers Numbered
Notice of Motion and Affidavits Annexed	
Order to Show Cause and Affidavits Annexed	
Answering Affidavits	
Replying Affidavits	
Filed Papers	
Commission	
Exhibits	
Copies Papers	
Referee's Report	
Stenographer's Minutes	
Stipulation	
Printed Book	

PLAINTIFF'S MOTION TO RESIST HER ACTION
TO THE CALENDAR BROUGHT ON BY ORDER TO
SHOW CAUSE IS DENIED.

THIS IS THE FIFTH MOTION BROUGHT FOR THIS
PARTICULAR RELIEF.

PLAINTIFF HAS STILL FAILED TO PROCEED WITH
DEFENDANT'S DEMAND FOR A BILL OF PARTICULARS
AND HER EXAMINATION BEFORE TRIAL HAS NOT
BEEN HELD.

SEE THIS COURT'S ORDER OF APRIL 28, 1976
AND REFERENCES THEREIN.

Dated APRIL 28, 1976

J.C.C.

17

Motion Cal. No. 45-1/1/1

HILLICENT LUDEN

against

NATHAN NOVICK

Present:

Hon. ~~GEORGE~~ HOWARD S. MILLWARD
Judge.

The following papers used on this motion to RESTORE CASE TO CALENDAR
submitted this 14 day of APRIL, 1976

	Papers Numbered
Notice of Motion and Affidavits Annexed	
Order to Show Cause and Affidavits Annexed	
Answering Affidavits	
Replying Affidavits	
Filed Papers	
Commission	
Exhibits	
Copies Papers	
Referee's Report	
Stenographer's Minutes	
Stipulation	
Printed Book	

FILED
APR 30 9:41

PLAINTIFF'S MOTION TO RESTORE HER
ACTION TO THE CALENDAR IS DENIED.
PLAINTIFF HAS STILL (FAILED) TO PROPER
COMPLY WITH DEFENDANT'S DEMAND FOR A
BILL OF PARTICULARS AND HER EXAMINATION
BEFORE TRIAL HAS NOT BEEN HELD.

SEE THIS COURT'S ORDER OF APRIL
28, 1976 AND REFERENCED THEREIN.

Dated APRIL 28, 1976

← 3

J.C.C.
13

CIVIL COURT OF THE CITY OF NEW YORK
County of N.Y.

Index No. 3568/75

SPECIAL TERM, PART I

Motion Cal. No. 45 - 4/14/76

M. LINDEN

against

N. NOVICK

Present:

HON. BERNARD WEISS

Hon. _____

Judge.

The following papers used on this motion to
submitted this _____ day of _____, 19

	Papers Numbered
Notice of Motion and Affidavits Annexed	_____
Order to Show Cause and Affidavits Annexed	_____
Answering Affidavits	_____
Replying Affidavits	_____
Filed Papers	_____
Commission	_____
Exhibits	_____
Copies Papers	_____
Referee's Report	_____
Stenographer's Minutes	_____
Stipulation	_____
Printed Book	_____

It appears from the opposing affidavit that repeated motions for identical relief have been made before and denied by *Judge Seymour Schwartz, to whom this motion must therefore be referred, as requested by the defendant.

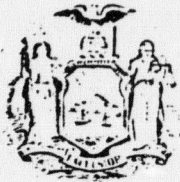
REGARDLESS OF FACT OF
DIFFERENT ISSUES AND THAT
THIS COURT WAS NOT
INVOLVED PROCEDURALLY!

APR 19 1976

Dated _____

J.C.C.

65
Supreme Court
of the
State of New York



GEORGE POSTEL
JUSTICE

JUSTICES CHAMBERS
NEW YORK COUNTY COURT HOUSE
NEW YORK, N. Y. 10007

April 12, 1976

Ms. Millicent Linden
500 East 74th Street
New York, New York 10021

Dear Ms. Linden:

Before we had an opportunity to dispose of the motion on its merits, Judge Gellinoff transferred your case to the Civil Court of the City of New York. Enclosed is a copy of Judge Gellinoff's decision.

This court was not advised of this fact, because had it been so advised, it would have transferred the disposition of the matter to Civil Court for a determination.

I suggest that you confer with the authorities at Civil Court relative to the trial of your case inasmuch as it is a pending matter there. They can best advise you as to how you can move for trial again.

The recovery you seek can properly be determined on the trial there.

I trust this answers your inquiry.

Very truly yours,

A handwritten signature in cursive script, appearing to read "George Postel".

enc.

20

65-a
I hereby certify that the foregoing
is a true copy of the original
heretofore filed in my office on the
date

At a ~~trial~~ Term Part.....of
the Supreme Court of the State of New
York, held in and for the County of
New York....at the Courthouse
thereof, in the County of New York....
City and State of New York, on the
NOV. 25 1975 of....., 19....

PRESENT:

County Clerk and Clerk of the

County of New York

HON. J. G. Gellinoff
Justice

Linden

vs.

Novick

FILED

NOV 25 1975
NEW YORK
CO. CLERK'S OFFICE

County Clerk's
Index No. 41674-75

Calendar No. 4584

ORDER OF TRANSFER

A General Preference having been denied, and

It appearing that the Civil Court of the City of New York has jurisdiction of
the parties to this action and pursuant to Rule 660.21 of the Rules of the Supreme Court,
New York and Bronx Counties, dated January 30, 1973, it is

ORDERED, that this cause bearing Calendar Number 4584 be, and it hereby
is, stricken from the Trial Term Calendar of this Court and transferred to the Civil
Court of the City of New York, County of New York, and it is further

ORDERED, that the clerk of New York County shall transfer to the clerk
of the Civil Court of the City of New York, County of New York, all papers in this
action now in his possession, upon payment of his proper fees, if any, and the clerk of
the Civil Court of the City of New York, County of New York upon service of a certified
copy of this order upon him and upon delivery of the papers of this action to him by the
clerk of the County of New York, shall place this action upon the appropriate calendar
of the said Civil Court, among the issues filed for the October Term, 1975, for
trial, without the payment of any additional fees, and it is further

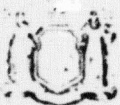
Ordered, that the above-entitled cause be, and it is hereby, transferred to said
Court, to be heard, tried and determined as if originally brought therein but subject to
the provisions of CPLR 325 (4).

JURY FEE PAID

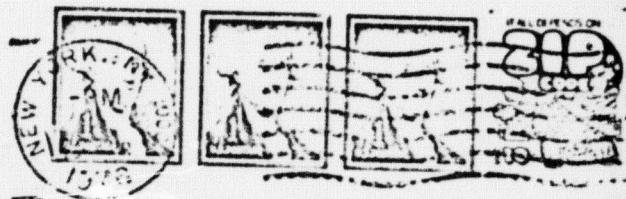
ENTER,

J. S. C.

Supreme Court
of the
State of New York



100 CENTRE STREET
NEW YORK, N.Y. 10013



Ms. Millicent Linden
500 East 74th Street
New York, New York 10021

65-C

POST MARK
ON ENV.
JAN. 7, 1976
US-2

RECORDED
JAN 8
AFTER COURT SESSION

STILL
UNDATE
UNSTAMPED

NOT IN SPECKLE
ON JAN. 7 - OK
JAN 8 - OK
ANY RECORD BOOK

SUPREME COURT OF THE STATE OF NEW YORK, SPECIAL TERM PART I, NEW YORK COUNTY
at the Courthouse thereof, 60 Canal Street, New York, New York, 10007.

Present: Hon. GEORGE FOSTER Justice.

MILLICENT LINDEN
against
MATHAN HOVICK

The following papers numbered 1 to Submitted read on this motion.

No. 121 on Calendar of Oct. 31, 1975

Notice of Motion - Order to Show Cause - and Affidavits Annexed

x Motion & Exhibits

Answering Affidavit x - Exhibits

Replying Affidavit

Affidavit

Affidavit

Pleadings - Exhibit

Stipulation - Referee's Report - Minutes

Filed Papers

PAPER NUMBER
1-10
11-21
22-23

Upon the foregoing papers this motion to strike the case from the trial calendar for failure on the part of the defendant to complete all pre-trial proceedings is granted. The delay

SON, ROBUSTELLI, FOX, FINE & GRECO, P.C.
277 BROADWAY • NEW YORK, N. Y. 10007

Ms. Millicent Linden
500 East 74th St.
New York, New York 10021

NOT IN ANY
COURT RECORDS
ON JANUARY 8, 1976
SCHEDULED DATE OF TRIAL

POST MARK
JAN. 7, 1976

23

W5-F

Present: Hon. GEORGE POSTER

JUNE 26, 1976

Justice.

Millicent Linden

(212)

— against —

Nathan Novack

MINUTE BOOK
SPECIAL TERM PART I
N.Y. LAW JOURNAL
JUN 28
TO CTY. CLK.
RECEIVED FROM JUSTICE
DISP. BOOK.

The following papers numbered 1 to 47 read on this motion, referred
No. 47 on Calendar of JUN 10 1976

PAPERS NUMBERED

1-20
21-23
24-25

Notice of Motion - Order to Show Cause - and Affidavits Annexed.

Answering Affidavit.

Replying Affidavit.

_____ Affidavit.

_____ Affidavit.

Pleadings — Exhibit.

Stipulation — Referee's Report — Minutes.

Filed Papers.

FILED

JUN 28 1976

NEW YORK
CLERK'S OFFICE

Upon the foregoing papers this

Motion to set aside
and
dismiss this

case to the trial calendar is denied without
prejudice and with leave to renew should
PLAINTIFF be successful in restoring this
action, which has heretofore been dismissed
in the civil court.

Dated JUN 25 1976

Before Plaintiff's _____ Defendant's _____ Petitioner's _____ Respondent's _____ Relator's _____

Bridg _____

County Clerk's No. 41674 1075
Spec I Liber 159 Line 3 1976

L.S.C.

NOTICE TO APPEAR IN COURT
JUDGE GEORGE POSTER

Dated JUN 18 1976
OLIVER C. SUTHERLAND, S.C.

NOTICE TO CREDITORS

OLIVER C. SUTHERLAND

Answering Affidavit

Replying Affidavit

Affidavit

Affidavit

Pleadings — Exhibit

Stipulation — Referee's Report — Minutes

Filed Papers

Upon the foregoing papers this

Motion to set aside the order of dismissal of this case to the trial calendar is denied without prejudice and with leave to renew should plaintiff be successful in restoring this action, which has heretofore been dismissed in the civil court.

Dated

Briefs — Plaintiff's

Defendant's

Petitioner's

Respondent's

Relator's

Briefs

County Clerk's No.

Spec I Liber

41674

1075

159

Line 3

1976

ISAACSON, ROBUSTELLI, FOX, FINE & GRECO, P.C.
277 BROADWAY • NEW YORK, N. Y. 10007



Ms. Millicent Linden

500 E. 74th Street

New York, New York 10021

25

65-6

AUGUST 19, 1976

SUPREME COURT OF THE STATE OF NEW YORK, SPECIAL TERM, PART 1, NEW YORK COUNTY
at the Courthouse thereof, 60 Centre Street, New York, New York, 10007.

Present:

GEORGE POSTEL

Hon.

Justice.

Miller & Linder

— against —

Nathan Kovich

MINUTE SPECIAL TERM N.Y. LAW
BOOK PART 1

AUG 19 1976

The following papers numbered 1 to 22 read on this motion.

SUBMITTED

No. 108 on Calendar of.

AUG 18 1976

PAGES NUMBERED

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Notice of Motion - Order to Show Cause - and Affidavits Annexed

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Answering Affidavit

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Replying Affidavit

Affidavit

Affidavit

Pleadings — Exhibit

Stipulation — Referee's Report — Minutes

Filed Papers

Upon the foregoing papers this motion is denied with leave to renew after
the appeal in this case has been decided by the Appellate Term.

Settle order.

Dated

Briels: Plaintiff's Defendant's Petitioner's Respondent's Relator's

Briels

County Clerk's No.

41674

1975

Spec. I Liber

181

Line

3

1976

J.S.C.

26

66 SUPREME COURT OF THE STATE OF NEW YORK, SPECIAL TERM PART I, NEW YORK COUNTY
 at the Courthouse thereof, 60 Centre Street, New York, New York, 10007.

Present: Hon. CHARLES TIERNEY
 Justice.

MILLICENT LINDEN
 — against —
NATHAN NOVICK

TE. J. JOURNAL
 JUN 25
 TO CIVIL CLERK
 RECEIVED FROM JUSTICE
 DISP'N BOOK

The following papers numbered 1 to 22 read on this motion, SUBMITTED
 No. 145 on Calendar of MAY 7, 1976

	PAPERS NUMBERS
Notice of Motion - Order to Show Cause - and Affidavits Annexed	1-10
Answering Affidavit	11-13
Replying Affidavit	14-22
_____ Affidavit	
_____ Affidavit	
Pleadings — Exhibit	
Stipulation — Referee's Report — Minutes	
Filed Papers	

~~Upon the merits of the papers~~ Plaintiff, pro se, moves for what she
 denotes an order to furnish an accounting. In fact, the motion
 seeks to have this Court vacate an order of the Civil Court striking
 the matter from the calendar for failure to prosecute.

The matter has been duly transferred to Civil Court as plaintiff
 has been advised in a personal letter from Mr. Justice Postel and this
 Court has neither jurisdiction of the case nor the authority to grant
 the relief requested.

Motion dismissed.

FILED
 JUN-23 1976
 NEW YORK
 CO. CLERK'S OFFICE

Dated JUN 25 1976

J.S.C.

Briefs: Plaintiff's _____ Defendant's _____ Petitioner's _____ Respondent's _____ Relator's _____

Briefs _____
 County Clerk's No. 41674, 19 75
 Spec I Liber L 42 Line 10, 19 76

27

70
Millicent Linden 500 East 74th Street New York, New York 10021

May 13, 1976

BEST COPY AVAILABLE

The Honorable Walter B. Shackman
CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK
111 Centre Street
New York, New York 10013

Re: LINDEN v. NOVICK

Index No. 3568/75
Cal. No. P75N28599

Motion Cal. Date: April 26, 1976

Dear Judge Shackman:

In the absence of any court order to the contrary, plaintiff, the writer, appeared at Special Term Part II in Civil Court on May 13, 1976 at 2:00 p.m., and left at 2:45 p.m.

Defense attorney did not appear at any time thereof.

Defense attorney had stipulated the aforementioned date and time in his own statement of adjournment on March 15, 1976. On March 15, 1976, defense attorney did not take oral examination though plaintiff was there waiting from 2:00 o'clock on when defense appeared at 2:20.

Defense attorney gave no reason for adjournment on said date of March 15, 1976 though the court order mandated said examination at Civil Court on record for that date by defense.

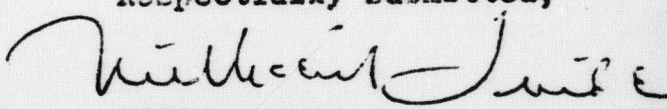
Defense attorney did not send any notice of any kind prior to the present date of May 13, 1976 to state attendance or no attendance. Copy of defendant's adjourned date, copy of defendant's scheduled date previously arranged by defense, and the clerk's signature of plaintiff's attendance for this date are annexed herein.

These facts are presented as supplement to the motion before this court by plaintiff to suppress further oral examination by defendant for the reasons given in the previous brief and for the aforementioned reasons herein.

Respectfully submitted,

To: The Court Clerk
Room 225

To: Isaacson, Robustelli, Fox
Fine & Greco
277 Broadway, New York N.Y. 10007


Millicent Linden
Plaintiff, Pro Se

COMMITTEE ON GRIEVANCES
OF
THE ASSOCIATION OF THE BAR
OF THE CITY OF NEW YORK
36 WEST 44TH STREET
NEW YORK, N. Y. 10036

JOHN G. BONOMI
CHIEF COUNSEL

OSCAR J. COHEN
RONALD EISENMAN
SAUL FRIEDBERG
MORRIS GUTT
ASSOCIATE COUNSEL

DANIEL J. BLOOM
RALPH V. CAPUTO
IRVING GERTEL
WILLIAM A. PRIMERANO
ASSISTANT COUNSEL

ROOM 914
AREA CODE 212
MURRAY HILL 2-0606

December 2, 1975

Ms. Millicent Linden
500 East 74 Street
New York, New York
10021

Re: Complaint against Isaacson, Robustelli, Fox,
Fine & Greco, Esqs.,

Dear Ms. Linden:

We are in receipt of your letter dated November 16, 1975.

As you indicated in your letter, your complaint is the
subject of a pending lawsuit. The Court rather than the
Grievance Committee must resolve the issue in question.

Under the circumstances, we are closing our file subject
to your right to communicate with this office if, upon
the conclusion of any further proceedings had with res-
pect to this matter, evidence of professional misconduct
is presented.

Very truly yours,

John G. Bonomi
Chief Counsel

By 
Ronald Eisenman
Associate Counsel

JGB/RE/BC

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68-a

COMMITTEE ON GRIEVANCES
OF
THE ASSOCIATION OF THE BAR
OF THE CITY OF NEW YORK
36 WEST 44TH STREET
NEW YORK, N. Y. 10036

JOHN G. BONOMI
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ASSOCIATE COUNSEL

DANIEL J. BLOOM
RALPH V. CAPUTO
IRVING GERTEL
WILLIAM A. PRIMERANO
ASSISTANT COUNSEL

ROOM 914
AREA CODE 212
MURRAY HILL 2-0606

January 20, 1976

Ms. Millicent Linden
500 East 74 Street
New York, New York
10021

Re: Complaint against Isaacson, Robustelli,
Fox, Fine & Greco, Esqs.,

Dear Ms. Linden:

We are in receipt of your letters dated December 16, 1975,
January 2, 3, and 10, 1976, regarding the above attorneys.

The matter which you have presented for consideration in-
dicates no evidence of professional misconduct which would
warrant action by the Committee on Grievances.

Accordingly, we are closing our file.

Very truly yours,

John G. Bonomi
Chief Counsel

By 
Ronald Eisenman
Associate Counsel

JGB/RE/BC

68-1

COMMITTEE ON GRIEVANCES
OF
THE ASSOCIATION OF THE BAR
OF THE CITY OF NEW YORK
36 WEST 44TH STREET
NEW YORK, N. Y. 10036

JOHN G. BONOMI
CHIEF COUNSEL

OSCAR J. COHEN
RONALD EISENMAN
SAUL FRIEDBERG
MORRIS GUTT
WILLIAM A. PRIMERANO
ASSOCIATE COUNSEL

EILEEN COURTNEY
IRVING GERTEL
MICHAEL A. SCHWARTZ
ASSISTANT COUNSEL

ROOM 914

AREA CODE 212
MURRAY HILL 2-0606

September 7, 1976

Ms. Millicent Linden
500 East 74th Street
New York, N.Y. 10021

Re: In the matter of Isaacson, Robustelli, Fox, Fine
& Greco, Esqs.

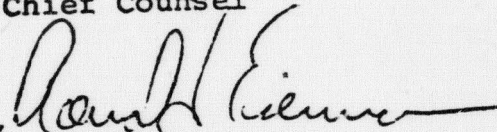
Dear Ms. Linden:

Upon receipt of your letter dated May 29, 1976,
your file was reviewed.

After consideration we have determined that
the original disposition made in your matter was
correct.

Very truly yours,

John G. Bonomi
Chief Counsel

By 
Ronald Eisenman
Associate Counsel

RE:BCU

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ENERGY AND CHARACTER

The Journal of Bio-energetic Research

Editor:

David Boadella, B.A., M.Ed.,
Abbotsbury, Weymouth, Dorset

24/12/76

Dear Millicent Linden,

I should have written earlier to thank you for your very long and comprehensive reply to my letter. Also to thank you for your trouble in mailing the STRETCH FOR LIFE book to me. I have nearly completed the photocopying, and in any case should have that finished by the end of December. I will be posting the book back to you in the first week of January.

I am enclosing a further 5 dollars to cover your mailing costs, so as to avoid any delay on the sterling cheque being paid into your account. I have obtained from the library both volumes of the Notebooks of Leonardo and am enjoying them immensely. I still think it is incredible that you should have derived so many of your principles from his work; and it enhances my respect for what you are doing. The concept of unification which he had, and is shared by a few others, such as Erich Jantsch, and Reich in his later period, is indeed rare, and few people are ready to comprehend the simplification of principles underlying the complexity of nature.

I am surprised at Selye's reactions since I think highly of his work especially the part you quote on the one truly original idea he had. There was a chapter dealing with Selye in my book on Reich.

The difficulties and discomfort you have experienced since Dr. Nathan Klock's displacement of your pelvis must have been especially hard for you to bear in view of the great success you had had before hand in working with levity and pleasurable effortfree body movements.

It will take me some time to digest all the many fascinating insights that you throw out in your letters and papers. I passed your positions, from the earlier booklets, to a few people I see in therapy, and they are already delighted with the benefits they are getting from the position. I myself intend to begin using them regularly in the new year.

I will publish your work on the orgasm (natural and disturbed) as was agreed, in probably the autumn issue of my journal. It may well form the leading article, as you write extremely clearly, and everything you say there I am in total agreement with.

Occasionally my work brings me to New York. If ever there is a chance to meet you personally I shall take the opportunity. Meanwhile, once again many thanks for your prompt and very full replies to my letters. As soon as your article is published, I will be sending you full particulars, copies etc.

With very good wishes for your health and well-being in the new year,

David Boadella

Best wishes to you.

ENERGY AND CHARACTER

The Journal of Bio-energetic Research

Editor:
David Boadella, B.A., M.Ed.,
Abbotsbury, Weymouth, Dorset

12/1/77

~~Dear Patrick~~

Dear Millicent Kinder.

I am touched by your letter. The reason I took out the Leonardo volumes is: I do not do things by halves. Since your work is clearly of importance, being more sensitive & pleasure-oriented & organic, than normal yoga, I naturally wished to look at your antecedents. Also I was impressed that you developed such an integrating view of man & the world, & this led me naturally to the Notebooks. I knew of their existence before, but had not realised the relevance of his work on gravity to my own work with

body posture. Your paper on orgasm & breathing is masterly because it blends what you learned from Leonardo & Newton with the Reichian insight on orgasmic potency & self regulation. My only regret is that you did not also acknowledge Reich by name.

" I wish I could publicise your work ~~before~~ sooner, but the orgasm paper will be the lead article, hopefully in Sept. It may have to appear in two parts in view of its length, but that is no problem.

" How do animal sounds (duck etc) relate to

your general theory of concave arch, gravity / levity etc. Also I didn't discover the Einstein reference on cosmic lawiness. Where can I read about this.

Good wish David Broadbent

AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK)
)
COUNTY OF NEW YORK) ss.:

 Millicent Linden , being duly sworn, deposes
and says that she is over 18 years of age and resides at
500 East 74th Street, New York, New York 10021.

On April 15, 1977 , 1977, deponent served
the within Notice of Cross Motion and Affidavit upon:

Isaacson, Robustelli, Fox, Fine & Greco, P.C.
Attorney for Defendant
P.O. Address

277 Broadway
New York, New York 10007

by depositing true copies of same enclosed in postpaid properly
addressed wrappers, in a post office official depository under
the exclusive care and custody of the United States Postal
Service within the State of New York.

 Millicent Linden
Millicent Linden

SWORN TO BEFORE ME THIS
 15 day of April , 1977

 Walter J. Hassett
Notary Public

WALTER J. HASSETT
NOTARY PUBLIC, State of New York
No. 31-1704225
Qualified in New York County
Commission Expires March 30, 1979

76 Civ. 4404

C/A Ref. T-6991; 777038

Judge Morris Lasker

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

MILLICENT LINDEN,

Plaintiff-Appellant,

- v -

NATHAN NOVICK,

Defendant-Respondent.

RESPONSE IN OPPOSITION

Millicent Linden
500 East 74th Street
New York, New York 10021
BU.8-9453